

FACTORS TO CONSIDER FOR SANCTION IN ACTIONS AGAINST INDIVIDUALS

EA# _____ IA# _____ Region ____ ES _____

Date: _____

Licensee: _____ Individual: _____

- ☐ Based on OI report, OI report No.: _____
- ☐ Based on inspection report, inspection report No.: _____
- ☐ Other: _____

In the case of an action against an individual, factors that may be considered in determining whether to escalate enforcement sanctions include:

1. The level of the individual within the organization

- ☐ Corporate executive in large organization
- ☐ RSO, SRO or manager above first line supervisor (e.g., President of small business, plant manager)
- ☐ First line supervisor or other licensee official (e.g., authorized user, chief technologist, RO, radiographer)
- ☐ User (e.g., AO, assistant radiographer, technologist, technician, QA)
- ☐ Not normally involved in NRC-Licensed activities (e.g., laborer, carpenter, millwright etc.)
- ☐ Other, Explain: _____

2. Culpability, the individual's training and experience as well as knowledge of the potential consequences of the wrongdoing

- ☐ Prior individual action against individual by NRC or significant discipline to individual for similar wrongdoing by licensee
- ☐ Well-trained, experienced, no excuse for not appreciating the significance of wrongdoing, or management told individual not to do the wrongdoing
- ☐ Knows it is wrong but does not appreciate the significance of the wrongdoing (does not care)
- ☐ Newly hired, little or no experience, Knows it is wrong but does not appreciate the significance of wrongdoing; following culture of the organization
- ☐ Deliberate ☐ Careless disregard ☐ No prior nuclear employment

☐ Not likely to work nuclear in the future

☐ Other, Explain: _____

3. The safety consequences of the misconduct

☐ Overexposure to individual(s)

☐ Misadministration to individual(s)

☐ Release of radiation or radioactive material

☐ Affects public health and safety

☐ Loss of redundancy or inoperable safety system

☐ Low consequences

☐ No potential consequences

☐ No consequences

☐ Other, Explain: _____

4. The benefit to the wrongdoer

☐ Significant tangible gain (e.g., monetary, financial decision, promotion, clear motive)

☐ Tangible gain (e.g., avoidance of discipline, concerned about NRC inspection or licensee audit, clear motive)

☐ No real benefit (e.g., leave early, get job done more quickly)

☐ Other, Explain: _____

☐ Benefit to Company, Explain: _____

5. The degree of supervision of the individual

☐ Close supervision (e.g., supervisor in area most of the time)

☐ Moderate supervision (e.g., supervised occasionally or audited occasionally)

☐ No supervision

☐ Other, Explain: _____

6. The employer's response

☐ Voluntary dismissal

☐ Dismissal for cause

☐ Denied unescorted access

☐ Placed in PADS

☐ Substantial discipline (e.g., fine, demotion, probation, additional licensee oversight of individual, removal from licensed activities if viewed as adverse action)

☐ Some discipline (e.g., counseling, employee assistance program etc.)

☐ None

☐ Other, Explain: _____

7. The attitude of the wrongdoer

- ☐ Significant interference with investigation (e.g., actions such as destroying records, persuading others to lie)
- ☐ Interference with investigation (e.g., affirmative lying)
- ☐ Does not accept responsibility during investigation, exculpatory "no," does not provide testimony (e.g., exercising the Fifth Amendment privilege is neutral under this element)
- ☐ Admits to wrongdoing and acceptance of responsibility
- ☐ Cooperates during inspection and/or investigation
- ☐ Voluntarily identified and self reported the wrongdoing with minimal expectation that it would be discovered
- ☐ Other, Explain: _____

8. The degree of management responsibility or culpability

- ☐ Management directed and employee complains
- ☐ Management directed; however, employee does not question even though employee knows it is wrong
- ☐ Not directed by management but management does not provide resources to get the job done such that management is implicitly inviting cutting of corners, and individual does not complain
- ☐ Management Knew of questionable conduct and took no action to correct conduct
- ☐ No management involvement
- ☐ Other, Explain: _____

9. Who identified the misconduct

- ☐ Individual
- ☐ Licensee (through audit, LER, and/or investigation)
- ☐ Third party (e.g., allegor, union, newspaper, etc.)
- ☐ NRC (through inspection, LER, and/or investigation)
- ☐ Other, Explain: _____

10. The duration of the violation

- ☐ Repetitive or continues over time; How long _____
- ☐ Isolated or relatively isolated

11. Other

- ☐ The individual directed or coerced others to engage in the wrongdoing at issue
- ☐ Unusual event with significant health and safety consequences such as death or serious injury

12. Sanction

☐ NOV SL _____
☐ DFI

☐ Order ; removal for Year(s) _____
☐ Prior Notice, Once _____, Year(s) _____

☐ Other, Explain: _____